

Frequently Asked Questions During COVID-19 Suspended Services:
Civil Restraining Order Procedures During Emergency Conditions

All San Diego Superior Court locations will be closed to the public through April 30, 2020, except as to those matters listed in the General Orders of the Presiding Department, Order Nos. 031820-34, 031920-35, 032420-36 and 040220-39.

All matters scheduled to be heard between March 17, 2020, and April 30, 2020, will be continued to a new date. As additional information becomes available, it will be posted to our website.

Q: What types of Civil Restraining Orders are available?

A:

Type of Restraining Order:	
Civil Harassment (Civil)	<p>Under California law (Code of Civil Procedure §527.6), a person who has suffered harassment may seek a temporary restraining order and an injunction prohibiting harassment.</p> <p>Civil Harassment Restraining Orders differ from Family Law Domestic Violence Restraining Orders in that the person doing the harassing has no close family or domestic relationship with the victim. For example, a Civil Harassment Restraining Order applies to a neighbor, roommate, or stranger. A Domestic Violence Restraining Order is filed in the Family Court and applies to a current or former husband, wife, boyfriend, girlfriend, or other relative.</p> <p>You may seek protection if you are worried about your safety because you are being stalked, threatened, harassed, or sexually assaulted.</p> <p>Pursuant to California Code of Civil Procedure § 527.6(b), the course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial emotional distress to the victim.</p> <p>The restraining order can include preventing personal conduct by the harasser, order the harasser to stay away from the victim, the victim's family, the victim's home/work and/or children's school, and other miscellaneous orders.</p> <p>Civil Harassment Temporary Restraining Orders (TROs) are filed in the Civil Division in Central and North Courts and in the Family Division in East and South Courts.</p>
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Type of Restraining Order (continued):	
Elder and Dependent Adult Abuse (Civil)	<p>An elder/dependent adult abuse restraining order applies to a person seeking a protective order who falls within the definition of elder or dependent adult as follows:</p> <p>Under California law (Welfare & Institutions Code §15657.03), a person who is 65 years of age or older (elder) OR a person who is between 18 and 64 years of age and who has mental or physical limitations that prevent them from carrying out their normal activities (dependent adult), who has been a victim of one or more of the following:</p> <ul style="list-style-type: none"> • Physical, financial, mental or emotional abuse; • Neglect, abandonment, abduction, or isolation; • Treatment that has caused physical harm or pain or mental suffering; OR • Deprived by a caregiver of goods or services needed to avoid harm or suffering. <p>If you can answer “yes” to one or more of the questions below, you may wish to seek an elder/dependent abuse restraining order.</p> <ol style="list-style-type: none"> 1. Are you 65 years of age or older and being abused? 2. Are you between the ages of 18 and 64 and have a mental or physical condition that prevents you from carrying out your normal activities? 3. Is someone physically abusing you or causing you emotional harm? 4. Is someone who helps you with the daily necessities of life-threatening to hurt you? 5. Is someone who helps you with the daily necessities of life misusing your money? 6. Is an elder you know being abused? <p>Elder and Dependent Adult Abuse TROs are filed in the Civil Division in Central and North Courts and in the Family Division in East and South Courts.</p>
Workplace Violence (Civil)	<p>A Workplace Violence TRO is filed by an EMPLOYER to protect an employee (or employees) from unlawful violence, or credible threats of violence that have, or reasonably could take place at the workplace.</p> <p>Workplace Violence TROs are filed in the Civil Division in Central and North Courts and in the Family Division in East and South Courts.</p>
Private Postsecondary School Violence (Civil)	<p>A Private Postsecondary School Violence TRO is filed by a CHIEF ADMINISTRATIVE OFFICER (or his or her designee) of a private postsecondary school (i.e., private college or vocational school), to protect a current or potential student (or students) from unlawful violence, or credible threats of violence that have, or reasonably could take place at the school.</p> <p>Private Postsecondary School Violence TROs are filed in the Civil Division in Central and North Courts and in the Family Division in East and South Courts.</p>
<i>Types of Restraining Orders continued on next page</i>	

Type of Restraining Order (continued):	
Transitional Housing Misconduct (Civil)	<p>A Transitional Housing Misconduct TRO is filed by a PROGRAM OPERATOR, who is operating a transitional housing program to prohibit abuse or program misconduct by a participant.</p> <p>Transitional Housing Misconduct TROs are filed in the Civil Division in Central and North Courts and in the Family Division in East and South Courts.</p>
Gun Violence TRO (Civil)	<p>A Gun Violence Restraining Order requires that person surrender and prohibits him or her from possessing or purchasing firearms, ammunition, or magazines.</p> <p>Under California law (PC 18100 et seq.), upon the showing that a person poses a significant danger, in the near future, of causing personal injury to the subject of the petition or another by having in their custody or control, owning, purchasing, possessing, or receiving a firearm, a law enforcement officer or immediate family member (as defined in PC 422.4(b)(3)) may request an order requiring a person to surrender and prohibiting him or her from possessing or purchasing firearms, ammunition, or magazines. These orders are known as Gun Violence Temporary Restraining Orders (GVTRO) or Ex Parte Gun Violence Restraining Order</p> <p>A Gun Violence TRO can be filed by:</p> <ul style="list-style-type: none"> • An immediate family member (as defined by PC 422.4(b)(3). • A law enforcement officer. <p>Gun Violence TROs are filed in the Civil Division in Central and North Courts and in the Family Division in East and South Courts.</p>
Gun Violence EPO (Civil)	<p>A Gun Violence Emergency Protective Order is a type of restraining order that only law enforcement can ask for by calling a judge. Judges are available to issue GV-EPOs 24 hours a day. A police officer that answers an emergency call may ask a judge for a Gun Violence Emergency Protective Order at any time of the day or night.</p> <ul style="list-style-type: none"> • After a law enforcement officer obtains a GV-EPO, either during business hours or after hours, and once it is served on the restrained person, he or she must file a copy of the Gun Violence Emergency Protective Order form (JC Form #EPO-002) in the business office that processes civil harassment restraining orders at the division where the restrained person resides. • A hearing will be scheduled 21 days after issuance of the GV-EPO to determine if a gun violence restraining order should be issued for one year. <p>Gun Violence EPOs are filed in the Civil Division in Central and North Courts and in the Family Division in East and South Courts.</p>

Q: How do I file a request for a Restraining Order if the clerk's office is closed?

A: To have a Request for Temporary Restraining Order filed and heard by a judge on the same day, Petitioner **must** be in line with completed paperwork by 3:00 p.m., as per [Code of Civil Procedure §527.6\(e\)](#). *(Completed is defined as meaning all names and information must be completed and match across all documents and be written in a clear legible manner so that the Judicial Officer may consider the request.)*

[Code of Civil Procedure §527.6\(e\)](#) states: "A request for the issuance of a temporary restraining order without notice under this section shall be granted or denied on the same day that the petition is submitted to the court, unless the petition is filed too late in the day to permit effective review, in which case the order shall be granted or denied on the next day of judicial business in sufficient time for the order to be filed that day with the clerk of the court."

Q: Where do I file my forms?

A: Civil Harassment, Elder/Dependent Adult Abuse, Gun Violence, and Workplace Violence Temporary Restraining Orders may be filled at the following locations:

[Hall of Justice](#)

330 W. Broadway, Room 225
San Diego, CA 92101

[East County Regional Center](#)

250 East Main Street
El Cajon, California 92020

[North County Regional Center](#)

325 South Melrose
Civil Business Office - 1st Floor
Vista, California 92081

[South County Regional Center](#)

500 Third Avenue, 3rd Floor
Chula Vista, California 91910

Note: Domestic Violence Temporary Restraining Orders may be obtained at the Family Court Division closest to you.

East: 250 E. Main Street, El Cajon, CA 92020
South: 500 Third Avenue, Chula Vista, CA 91910
North: 325 S. Melrose Drive, Vista, CA 92081
Central: 1100 Union Street, San Diego, CA 92101

Q: Where can I obtain help with completing restraining order forms?

A: In light of limited courthouse access because of the current public health order, the San Diego Superior Court's contracted service providers, Legal Aid Society of San Diego (LASSD) and San Diego Volunteer Lawyer Program (SDVLP), will offer alternatives to their onsite clinic services so that self-represented litigants can obtain the relief needed to remain safe while also adhering to social distancing guidelines to mitigate the community spread of the COVID-19 virus. These alternatives include telephonic services.

- **Family Law Facilitator:** FLF staff is available in the Central, East, North and South County Division offices for walk-in assistance with ex parte requests for restraining orders.
- Operated by [Legal Aid Society of San Diego](#), this clinic offers assistance to self-represented litigants to explain procedures and to help them prepare forms. 877-534-2524
- Operated by [San Diego Volunteer Lawyers Program](#), this clinic offers assistance to self-represented litigants to explain procedures and to help them prepare forms. Information is listed below:

English	Español
Domestic Violence, Civil Harassment, and Elder Abuse Restraining Orders Residents in Central SD Residents in North SD Residents in South SD Monday through Friday 8:30 – 12:30 & 1:30 - 5:00 (619) 235-5656 Ext. 118	Órdenes de Restricción en Casos de Violencia Intrafamiliar, Hostigamiento, o Abuso de Adultos de la Tercera Edad Residentes en el centro de SD Residentes en el norte de SD Residentes en el sur de SD De Lunes a Viernes 8:30 – 12:30 & 1:30 – 5:00 (619) 235-5656 Ext. 102
Domestic Violence and Elder Abuse Restraining Orders Residents in East County SD Monday - 8:30 – 5:00 Tuesday - 8:30 – 5:00 Wednesday - 8:30 – 12:00 (619) 235-5656 Ext. 122	Órdenes de Restricción en Casos de Violencia Intrafamiliar, o Abuso de Adultos de la Tercera Edad Residentes en el este de SD Lunes - 8:30 – 5:00 Martes - 8:30 – 5:00 Miércoles - 8:30 – 12:00 (619) 235-5656 Ext. 122

- Operated by [Center for Community Solutions](#), this clinic offers assistance to self-represented litigants to explain procedures and to help them prepare forms. 858-272-5777

Q: How do I serve (officially notify) the respondent?

A: It is the responsibility of the petitioner to have the respondent personally served with all necessary documents as instructed by the clerk. Proof of service for the respondent **must be filed with the Court prior to or at the time of the hearing on the restraining order.**

The party can be served by:

- The Sheriff's Department of the county where the respondent lives or works
- Anyone over the age of 18 years old and not a party named in the case

During the Court's temporary closure, if you serve the respondent by someone over the age of 18, who is not a named party in the case, you must also submit a copy of your Proof of Service to the Sheriff's Civil Office. There is a Sheriff's Civil Office located at each Court location.

You are also responsible for submitting your original Proof of Service to the Court when it reopens, as the Court is currently not accepting documents for filing other than what is listed in General Order 040220-39.

Q: I was just served with a TRO. How do I respond?

A: If a restraining order was filed against you, you may respond by completing and filing the appropriate packet below:

- [CIVIL HARASSMENT - RESPONSE](#)
- [ELDER/DEPENDENT ADULT - RESPONSE](#)
- [GUN VIOLENCE - RESPONSE](#)
- [WORKPLACE VIOLENCE - RESPONSE](#)

Since the Court is currently not accepting documents for filing other than what is listed in General Order 040220-39, responses can be filed with the Court when it reopens.

Q: I was scheduled for a restraining order hearing during the Court's closure, what now?

A: The San Diego Superior Court has suspended all non-emergency services **effective March 17, 2020-April 30, 2020**. If you previously filed a Temporary Restraining Order and were scheduled for a hearing during the Court's closure, your hearing will be rescheduled. If temporary restraining orders were issued in your case, they would remain in full force and effect until the new hearing date.

If you are the Petitioner, you will receive notice of your new hearing date by mail. If the Sheriff was used to serve the Respondent, the Respondent will be notified of their new hearing date by the Sheriffs. If you had a third party serve the TRO, you will be provided a new service packet to effect service.

Please refer to General Order 040220-39 and the Court's website (www.sdcourt.ca.gov) for up-to-date information.